

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

AND

THE HON'BLE SRI JUSTICE G.SHYAM PRASAD

WRIT PETITION No.18697 of 2016

12.09.2016

Between:

Gedela Syamsundara Rao

..Petitioner

And

The State of Andhra Pradesh,
represented by its Principal Secretary,
Revenue Department, Hyderabad and others

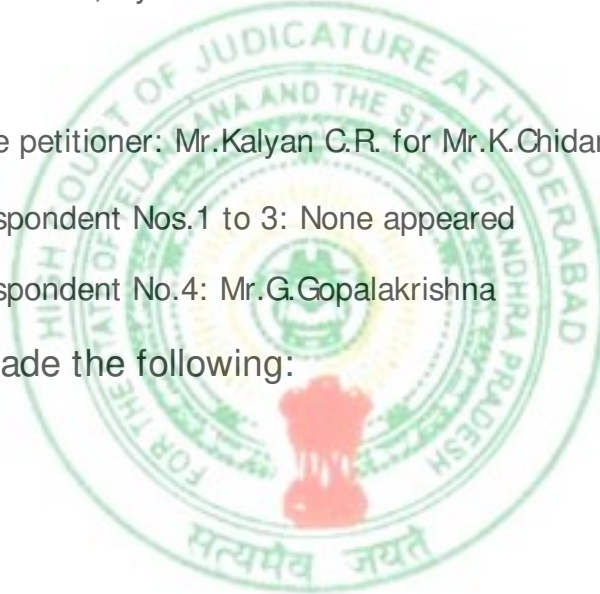
..Respondents

Counsel for the petitioner: Mr.Kalyan C.R. for Mr.K.Chidambaram

Counsel for respondent Nos.1 to 3: None appeared

Counsel for respondent No.4: Mr.G.Gopalakrishna

The Court made the following:



ORDER: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This writ petition is filed for a *mandamus* to set aside the award, dated 28.04.2016, in Pre Litigation Case (P.L.C.) No.108 of 2016 on the file of the Lok Adalath, Srikakulam.

2. The petitioner claims that he is one of the joint owners of the subject property notified for acquisition for Vamshadhara project. He further pleaded that in the proceedings initiated under the Land Acquisition Act, 1894, (for short 'the Act, 1894') he was shown as the owner of the property admeasuring Acs.0.02289 comprising two storied building along with one Gedela Bhaskar Rao, who is none other than the husband of respondent No.4. In support of this plea, the petitioner filed a copy of the notification, dated 27.10.2007, issued under Sections 17(1)(2) and 9(1)(3) of the Act, 1894. He also alleged that by playing fraud on him, respondent Nos.2 and 3 got the dispute referred to the Lok Adalath by approaching the District Legal Services Authority, Srikakulam, which, in turn, registered the P.L.C. and got the award passed, without including his name therein and also without notice to him. He, therefore, sought for setting aside of the said award to the extent the property claimed by him, which was shown at serial No.23 thereof.

3. Though notices were served on all the respondents, except respondent No.4, the other respondents have not entered appearance. Mr.G.Gopalakrishna, learned counsel for respondent No.4, did not deny the plea of the petitioner that no notice was issued to him. Indeed, he has supported the plea of the petitioner that respondent Nos.1 to 3 with a view to avoid initiation of the proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and

Resettlement Act, 2013, hurriedly got the case referred to the Lok Adalath and got the impugned award passed detrimental to the interests of respondent No.4 and other property owners.

4. As respondent Nos.1 to 3 failed to enter appearance despite receipt of the notices in this writ petition, the allegations made by the petitioner in this writ petition remained uncontroverted. Indeed, respondent No.4 has also supported the plea of the petitioner that respondent Nos.1 to 3 failed to implead the petitioner in the aforementioned P.L.C. before the Lok Adalath, Srikakulam.

5. In view of the above facts and circumstances of the case, the Writ Petition is allowed regarding the property admeasuring Acs.0.02289 along with the structures thereon, notified at serial No.273 of notification No.3137/2016 G-4, dated 27.10.2007, published in Srikakulam Gazette No.398, Part I, dated 27.10.2007, by respondent No.3, and shown at serial No.23 of the impugned award, by setting aside the impugned award, dated 28.04.2016, in P.L.C.No.108 of 2016 on the file of the Lok Adalath, Srikakulam, to the said extent, leaving the petitioner free to avail appropriate legal remedies.

C.V.NAGARJUNA REDDY, J

G.SHYAM PRASAD, J

12th September, 2016
GHN